



# PUBLIC NOTICE

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DA-04-50  
January 13, 2004

## WIRELESS TELECOMMUNICATIONS BUREAU

### COMMENTS INVITED ON REGION 5 (SOUTHERN CALIFORNIA) 700 MHz REGIONAL COMMITTEE PROPOSED PUBLIC SAFETY PLAN

WT Docket No. 02-378

Comment Date: February 13, 2004

Reply Date: February 27, 2004

On December 17, 2003, the Region 5 (Southern California)<sup>1</sup> 700 MHz Regional Planning Committee ("Region 5") submitted a proposed plan (Plan) for the use of the 12.5 megahertz of spectrum in the 764-776 and 794-806 MHz band (700 MHz public safety band) designated for General Use.<sup>2</sup> Region 5 requests Commission review and approval of the Plan.

- The Plan assigns narrowband General Use channels to specific entities that are listed in the Frequency Allocation Plan.
- Regional planning committees (RPCs) may approach the assignment of the spectrum differently, e.g., by making specific assignments to eligible public safety entities, or by establishing an allotment pool approach based on political boundaries such as counties.<sup>3</sup>

<sup>1</sup> Region 5 (Southern California) consists of ten counties: San Louis Obispo, Santa Barbara, Kern, Ventura, San Bernadino, Los Angeles, Orange, Riverside, San Diego and Imperial.

<sup>2</sup> See Letter dated Dec. 17, 2003 from David Buchanan, Chairman, Region 5 700 MHz Regional Planning Committee to Marlene H. Dortch, Secretary, FCC (Letter) (submitting the Region 5 700 MHz Plan on behalf of the Region 5 700 MHz Regional Planning Committee). The Plan addresses the three elements of the April 2002 Plan previously submitted by Region 5 that the former Public Safety and Private Wireless Division determined to be deficient: (1) evidence of successful coordination with adjacent regions; (2) a description of its future planning process and provisions for dispute resolution, and (3) demonstration of adequate notice to all eligible entities and regional planning committee membership information. See Letter from D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau to David Buchanan, Chairman (Dec. 30, 2002).

<sup>3</sup> The Region 5 Plan, Appendix A, Frequency Allocation List identifies the initial assignments of the narrowband General Use spectrum made to each of the agencies requesting spectrum during the Region's initial filing window ending January 1, 2001. Given this approach, after Commission approval is obtained, any modifications to the Region 5 Frequency Allocation List, including new, additional and/or revised assignment, will require an amendment to the Plan.

Prior to taking further action on the Plan, by this Public Notice, we solicit comments on the Plan. Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on the Region 5 700 MHz Regional Plan on or before February 13, 2004 and reply comments on or before February 27, 2004. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies<sup>10</sup>.

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and should reference WT Docket No. 02-378. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0531 (voice) or (202) 418-7365 (TTY).

Information on the 700 MHz Regional Planning process and RPC activities is available at <http://www.wireless.fcc.gov/publicsafety/700MHz>. For further information, contact Jeannie Benfaida, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, at (202) 418-0680, TTY (202) 418-7233, or via e-mail to [jeannie.benfaida@fcc.gov](mailto:jeannie.benfaida@fcc.gov).

Action by the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau.

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<sup>10</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

By way of background, in 1998 the Commission adopted a band plan for the 700 MHz public safety band, and established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.<sup>4</sup> There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.<sup>5</sup>

The Commission expects RPCs to ensure that their committees are representative of all public safety entities in their regions by providing reasonable notice of all meetings and deliberations and plans must include an explanation of how all eligible entities within the region were given such notice.<sup>6</sup> For the initial meeting called by the convenor to form the RPC and hold elections, the Commission requires at least sixty days for appropriate public notifications.<sup>7</sup> Adequate notice of meetings and identification of the matters to be discussed are key to the success of the regional planning process.

Regional plans and plan amendments must be submitted to the Commission for review and approval. In developing their regional plans, RPCs must ensure that their proposed plans comply with the rules and policies governing the 700 MHz public safety regional planning process.<sup>8</sup> We also encourage the RPCs to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).<sup>9</sup>

We have reviewed the Plan recently submitted by Region 5 and find it to be sufficient and compliant with the applicable FCC rules policies. Notably, Region 5 has provided the required Letters of Concurrence from Region 3 (Arizona); Region 6 (Northern California), and Region 27 (Nevada). Additionally, the Plan includes *Inter-Regional Coordination Procedures and Procedures for Resolution of Disputes that May Arise Under FCC Approved Plans* (signed by the chairpersons of 700 MHz Regional Planning Regions 3, 5, 6, and 27). Thus, we accept the Plan.

<sup>4</sup> See 47 C.F.R. § 90.527; see also *The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010*, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

<sup>5</sup> A list of 700 MHz regional planning committees and region activities is available at <http://wireless.fcc.gov/publicsafety/700MHz>. Each regional plan must contain certain elements and must be coordinated with adjacent regions. *First Report and Order*, 14 FCC Rcd at 193-94, 195 ¶¶ 84, 87.

<sup>6</sup> *Id.* at 193-94 ¶ 84. RPCs must promptly adopt operating procedures that "ensure that all entities will be given reasonable notice of all committee meetings and deliberations." *Id.* at 195 ¶ 86.

<sup>7</sup> *Id.* at 195 ¶ 86 & n.220.

<sup>8</sup> 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-196 ¶¶ 77-89.

<sup>9</sup> The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. The NCC was also tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the National Public Safety Telecommunications Council (NPSTC), agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website <http://www.npstc.org/documents.html>.